IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 437 OF 1999

WITH

CIVIL APPLICATION NO. 7145 OF 1999

Ananda D. Gadekar & Ors. ..Appellants

versus

Smt. Jubeda L. Mujawar & Ors. ..Respondents

Mr. S. M. Kamble i/b. K. S. Patil for the Appellants.

Mr. V. N. Tayade for the Respondent No.1.

CORAM : D. G. DESHPANDE,J.

DATE : 27TH OCTOBER,2005

P.C. :

1. Heard counsel for the appellants and the respondent No.1.

2. Appellants are the original defendant Nos. 2 to 7. Suit of the plaintiff for mandatory injunction was decreed by the trial court and the

same was upheld by the appellate court and therefore this Second Appeal. According to the plaintiff, the structures of these appellants were resting on his compound wall. Even after hearing the Counsel for the appellants this is not a case for interference. Only clarification is necessary, which the counsel for the appellants has agreed that the mandatory injunction will be executed and effected if the structures of the appellants are resting on the compound wall of the plaintiff or touching the compound wall. Appeal disposed of along with Civil Application. No order as to costs.

3. Authenticated copy be supplied to the parties.

27.10.2005 (D.G. DESHPANDE, J.)